

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

FILED

2001 MAR 26 P 1:31

In re:

CHARLES THOMAS BROWN d/b/a TOM
BROWN PREFERRED TRUST COMPANY,

Debtor,

MAUREEN GAUGHAN, Chapter 7 Trustee

Plaintiff/Judgment Creditor,

v.

ANN AKAMINE, et al.,

Defendants/Judgment Debtors.

No. 97-14228 PHX GBS
Adv. 99-00746
MOTION TO SET ASIDE
DEFAULT JUDGMENT

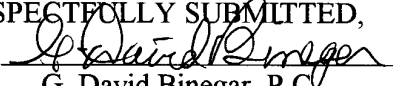
KEVIN E. O'BRIEN
CLERK
U.S. BANKRUPTCY
DISTRICT OF ARIZONA

COMES NOW, the Defendants, William R. Giles and Evelyn J. Giles, by and through their Attorney, G. David Binegar, and pursuant to Rule 60 of the Federal Rules of Civil Procedure, states as follows:

1. Default Judgment was entered against these Defendants on November 6, 2000.
2. These Defendants are elderly and Mr. Giles, in particular, has suffered a stroke which makes it impossible for him to communicate with Mrs. Giles.
3. Mrs. Giles is a lay person unfamiliar with court proceedings and did not appreciate the seriousness of the nature of this proceeding and did not believe that they could have a Judgment entered against them when they had committed no wrongful acts and had nothing to do with Charles Thomas Brown or his company since April 1996.
4. Defendants have committed no wrongful act and should be allowed to defend their position on the merits.

WHEREFORE, the Defendants pray the Court set a hearing on their Motion to Set Aside the Default Judgment. FURTHER, the Defendants pray that they be allowed to participate in such hearing by telephone.

RESPECTFULLY SUBMITTED,

By: 

G. David Binegar, P.C.

1503 Brady Street

Davenport, Iowa 52803

(319) 326-2873

SC#0000319